

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DARNELL A. CLEMONS,

Petitioner,

vs.

STANLEY PAYNE,

Respondent.

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Case No. 4:18 CV 1285 JMB

MEMORANDUM AND ORDER

This matter is before the Court on the review of the Court file. The parties have consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c).

Respondent has not provided copies of the records in support of the Response to Order to Show Cause or any legal justification for failing provide service of the exhibits to the *pro se*, incarcerated Petitioner. (ECF No. 9) Respondent asserts that “Petitioner should already have copies of these records because they are records from his prior state court proceedings and were documents that his counsel either served on the State or were served by the State and therefore duplication is unnecessary. Unless otherwise directed, these Exhibits will be filed only to the Court.” (*Id.*) The Court has not found any legal reason a party should be allowed to file exhibits to the Court in support of its pleading without serving a copy to the opposing party. Accordingly,

IT IS HEREBY ORDERED that, not later than October 22, 2018, Respondent shall serve Petitioner with copies of the exhibits filed in support to its Response to the Court's Order to Show Cause and file a certification with the Court showing that Respondent provided Petitioner a copy of the exhibits.

/s/ **John M. Bodenhausen**
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE

Dated this 20th day of September, 2018.